

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

**In the United States District Court  
For the Southern District of Georgia  
Statesboro Division**

2017 NOV -9 A 8 29

CLERK

SO. DIST. LG

DELWIN BERRY,

Petitioner,

v.

WARE STATE,

Respondent.

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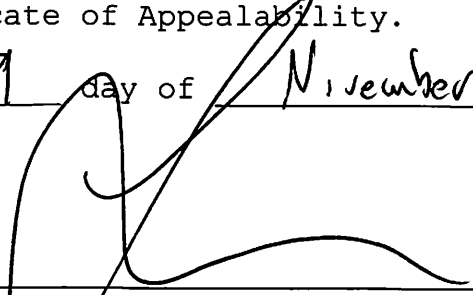
CIVIL ACTION NO.: 6:17-cv-46

**ORDER**

After an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 16, to which Petitioner Delwin Berry ("Berry") failed to file Objections. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Berry's 28 U.S.C. § 2254 Petition and **DISMISSES as moot** Berry's still-pending Motions. Dkt. Nos. 1, 7, 8, 10, 12. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

The Court **DENIES** Berry *in forma pauperis* status on appeal  
and **DENIES** Berry a Certificate of Appealability.

SO ORDERED, this 9 day of November, 2017.



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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA